

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2658**

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**Introduced by Assembly Member Conway**

February 19, 2010

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*An act to add Chapter 2.5 (commencing with Section 13987) to Part 4.5 of Division 3 of Title 2 of the Government Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2658, as amended, Conway. Short line railroads.

Existing law provides for various transportation planning activities by the Department of Transportation and other agencies. Existing law provides funding for projects to enhance goods movement *and for projects to rehabilitate short line railroads.*

~~This bill would state the intent of the Legislature to initiate a coordinated short line railroad program in this state to improve the movement of goods.~~

*This bill would require the Business, Transportation and Housing Agency to prepare a 5-year Short Line Commercial Rail Haul Connectivity Plan for the state, the focus of which would be to identify, with a statewide emphasis, opportunities for short line commercial rail system improvements and linkages. The plan would be required to include desirable linkages and feeder opportunities between short line commercial rail services, and to identify the coordination in planning and the capital investments necessary in that regard. The plan would also be required to identify future right-of-way needs of short line commercial rail lines in connection with state and local highway system improvements in order to accommodate future rail system improvements.*

*The plan would be developed in consultation with the agencies and entities responsible for the various rail and highway systems. The plan would initially be submitted to the California Transportation Commission for approval on September 1, 2012, and every 5 years thereafter. Upon approval of the plan, the commission, for each commercial rail project to improve the movement of goods that is subject to commission approval and implicated by the plan, would be required to make a determination that the project is consistent with the plan. The bill would also provide that the commission, for good cause, may approve a project that is not consistent with the plan, subject to a waiver granted by the Secretary of Business, Transportation and Housing.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 2.5 (commencing with Section 13987)  
2     is added to Part 4.5 of Division 3 of Title 2 of the Government  
3     Code, to read:

4  
5             CHAPTER 2.5. SHORT LINE COMMERCIAL RAIL HAUL  
6             CONNECTIVITY PLAN  
7

8     13987. (a) The agency shall be responsible for preparation  
9     of a five-year Short Line Commercial Rail Haul Connectivity Plan  
10    for the state. The focus of the strategic plan shall be to identify,  
11    with a statewide emphasis, those opportunities for short line  
12    commercial rail system improvements and linkages to promote the  
13    efficient movement of goods. In that regard, the strategic plan  
14    shall include desirable linkages and feeder opportunities between  
15    various short line commercial rail services. The strategic plan  
16    shall identify the coordination in planning and capital investments  
17    necessary to maximize the opportunities to establish a cohesive,  
18    connected, and easy-to-use system for short line commercial rail  
19    service providers to move goods in this state. The strategic plan  
20    shall also identify future right-of-way needs of short line  
21    commercial rail lines in connection with state and local highway  
22    system improvements in order to accommodate future rail system  
23    improvements as those highway improvements proceed to  
24    implementation, with the objective of avoiding lost opportunities

1 *by failure to reserve right-of-way capacity for future rail*  
2 *improvements.*

3 *(b) The strategic plan shall be developed in consultation with*  
4 *entities responsible for the various rail and highway systems. The*  
5 *strategic plan shall be submitted to the California Transportation*  
6 *Commission for approval on September 1, 2012, and every five*  
7 *years thereafter on September 1. Amendments to an approved*  
8 *strategic plan may be developed and presented to the commission*  
9 *for approval in the same manner during each five-year period.*

10 *(c) Upon approval of the strategic plan, the commission, for*  
11 *each commercial rail project to improve the movement of goods*  
12 *that is subject to commission approval and implicated by the*  
13 *strategic plan, shall make a determination that the project is*  
14 *consistent with the strategic plan. The commission may approve*  
15 *a project that is not consistent with the strategic plan for good*  
16 *cause, subject to a waiver granted by the secretary.*

17 ~~SECTION 1. It is the intent of the Legislature to initiate a~~  
18 ~~coordinated short line railroad program in this state to improve the~~  
19 ~~movement of goods.~~